

USA-74-24B  
(Rev. 05/01)

## CRIMINAL DOCKET

13CR77

HOUSTON DIVISION

USAO Number: 2004R04486

Magistrate Number:

CRIMINAL INDICTMENT

Filed FEB 13 2013

Judge: *Hughes*

UNITED STATES of AMERICA

David J. Bradley, Clerk of Court ATTORNEYS:

KENNETH MAGIDSON, USA

(713) 567-9000

VS.

S. Mark McIntyre, AUSA

(713) 567-9000

GARY LEE LAMBERT

Appt'd	Private
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Ct. 1: Failure to Surrender for Service of Sentence [18 U.S.C. § 3146(a)(2)]

CHARGE: Ct 2: Misuse of Passport [18 U.S.C. 1544]

(TOTAL)

(COUNTS:)

( 2 )

## PENALTY:

Ct. 1: not more than 5 years imprisonment; not to exceed \$250,000 fine, 3 years SRT; \$100 SA.

Ct. 2: not more than 10 years imprisonment; not to exceed \$250,000 fine, 3 years SRT; \$100 SA.

☐ In Jail☐ On Bond☒ No ArrestNAME & ADDRESS  
of Surety:

## PROCEEDINGS:

EXHIBIT A  
PAGE 1 of 4

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FEB 13 2013

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

GARY LEE LAMBERT

§  
§  
§  
§  
§  
§

13CR77

CRIMINAL NO. \_\_\_\_\_

**INDICTMENT**

THE GRAND JURY CHARGES THAT:

**INTRODUCTION**

At all times relevant to this Indictment:

1. Defendant GARY LEE LAMBERT was found guilty by a jury on November 11, 2010.

Judge Ewing Werlein, Jr., presided at the trial.

2. On May 26, 2011, LAMBERT was sentenced by the Court to the custody of the United States Bureau of Prisons for a term of imprisonment of 51 months.

3. On June 6, 2011, LAMBERT was ordered by the Court to appear at the Federal Correctional Institution (FCI) located at 1900 Simler Avenue, Big Spring, Texas, by 2:00 p.m. on July 6, 2011 to serve his sentence.

4. On July 6, 2011, LAMBERT failed to appear at the FCI in Big Spring, Texas.

**COUNT ONE**  
**(Failure to Surrender for Service of Sentence)**

1. The factual allegations contained in Paragraphs 1 through 4 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

2. On or about July 6, 2012, in the Southern District of Texas and elsewhere,

**GARY LEE LAMBERT,**

having been released pursuant to chapter 207 of Title 18, United States Code, while awaiting surrender for service of sentence after conviction in the United States District Court of the Southern District of Texas for a violation of Title 18, United States Code, Section 371, a felony offense punishable by imprisonment for a term of five years, in Case No. 4:07-CR-00114-4, entitled United States v. Gary Lee Lambert, and having been directed by the court to surrender to the United States Bureau of Prisons at the Federal Correctional Institution in Big Spring, Texas, in the Northern District of Texas, did knowingly and willfully fail to surrender for service of sentence as ordered by the court.

**In violation of Title 18, United States Code, Section 3146(a)(2).**

**COUNT TWO**  
**(Misuse of Passport)**

That on or about July 1, 2011, in the Southern District of Texas and elsewhere,

**GARY LEE LAMBERT,**

willfully and knowingly used a United States Passport No.\*\*\*\*\*1254, which passport had been issued and designed for the use of J.S, in that the defendant presented the said passport to

Mexican immigration officials to gain entry into Mexico.

**In violation of Title 18, United States Code, Section 1544.**

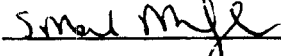
A TRUE BILL.

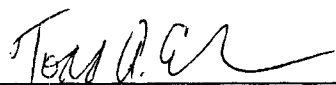
Original Signature on File

FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON

United States Attorney

By:   
S. Mark McIntyre  
Assistant United States Attorney  
(713) 567-9572

  
Todd A. Ellinwood  
Trial Attorney  
United States Department of Justice, Tax Division

U.S. Department of Justice  
United States Marshals Service



# **DETAINDER**

## **AGAINST SENTENCED FEDERAL PRISONER BASED ON FEDERAL ARREST WARRANT**

United States Marshal  
Southern District of Texas  
(District)

515 Rusk Avenue, Suite 10012  
Houston, TX 77002  
713-718-4259

(Return Address and Phone)

Please type or print neatly

TO: Bureau of Prisons  
USP Beaumont  
Beaumont, TX  
FAX 409-626-3700

DATE: 3/27/2013

SUBJECT: LAMBERT, Gary Lee

AKA: \_\_\_\_\_

DOB/SSN: 12/10/1945

REF. # 16405-179

USMS #: 16405-179

CR #: H-13-077

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Southern District of Texas, Houston has issued an arrest warrant(s) charging the subject with the commission of the following offense(s):

Failure to Surrender for Service of Sentence 18 USC 3142(a)(2)  
Misuse of Passport 18 USC 1544

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody if necessary. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible.

The notice and speedy trial requirements of the Interstate Agreement on Detainers Act DO NOT APPLY to this Detainer. However, pursuant to the Speedy Trial Act of 1974, 18 U.S.C. § 3161 (b)(1), a person serving a sentence of imprisonment in any penal institution against whom a detainer is lodged (based on pending Federal criminal charges which have not yet been tried) must be advised that a Detainer has been filed and that the prisoner has the right to demand speedy trial on those charges.

Accordingly, please advise the subject that a Detainer has been filed against him/her and that under the Speedy Trial Act, he/she has the right to demand speedy trial on the charges. If your office does not have an official form for such purposes, the statements contained in this Form below may be used.

### **INSTRUCTIONS FOR COMPLETION OF STATEMENTS**

1. Please read or show the following to the subject:

"You are hereby advised that a Detainer has been filed against you on (date) 3/27/2013, on the basis of Federal criminal charges filed against you in the U.S. District Court for the Southern District of Texas, Houston. With regard to answering these charges, you are hereby advised that you have the right to demand a speedy trial under the Speedy Trial Act.

If you have any questions regarding the provisions of the Speedy Trial Act, you should contact your attorney or the U.S. Attorney for the Southern District of Texas, Houston

2. Please execute the following:

The foregoing was read to or by subject and a copy of the Detainer was delivered to him on 4-10-13  
(date)

Signed Ruth Mullory Title Case Manager

3. Please have the prisoner execute the following:

I have read or have been read the above paragraph notifying me that a Detainer has been lodged against me and that I have the right to demand speedy trial on the charge(s). I (do) (do not) demand a speedy trial on the charge(s). I understand that if I do request a speedy trial, this request will be delivered to the Office of the United States Attorney who caused the Detainer to be filed.

Finally, I understand that if at any time hereafter I desire to demand speedy trial and have not already done so, I can inform my custodian who will then cause the request to be forwarded to the appropriate U.S. Attorney."

Ruth Mullory  
(Witness)

Gary Lee Lambert 4/10/13  
(Signature of Prisoner and Date)  
Gary Lee LAMBERT 16405-179  
(Typed or Printed Name of Prisoner)

4. Please acknowledge receipt of this detainer. In addition, please provide one copy of the Detainer to the prisoner, return one copy of the Detainer to this office in the enclosed self-addressed envelope, and, if the prisoner demands a speedy trial, forward the Detainer together with the Certificate of Inmate Status by registered or certified mail to the U.S. Attorney for the Southern District of Texas, Houston and the U.S. District Court for the Southern District of Texas, Houston

5. If the prisoner does not demand a speedy trial at this time and further elects to demand a speedy trial on the charge (s) at a later date, you should obtain a new set of this Form USM- 17B from the United States Marshal, have the prisoner complete the amended form, and follow the instructions contained in paragraph 4 above.

Your cooperation is greatly appreciated.

RECEIPT	
Date:	_____
Signed:	_____
By:	_____
Title:	_____

Stefanie V. Taylor  
Lead Investigative Research Specialist

Very truly yours, USMS Houston

Signature

Elizabeth Saenz, Acting U.S. Marshal  
U.S. Marshal

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
V.	§	No.: 4:13CR-77
	§	
GARY LEE LAMBERT.	§	

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ORDER DISMISSING INDICTMENT

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On this date, the Court considered the Motion of Defendant, Gary Lee Lambert to dismiss the Indictment. After due consideration the Court finds that the Motion is GRANTED.

According, it is ORDERED that the Indictment in the above referenced cause is hereby DISMISSED with prejudice against refiling, and that the "Detainer" now pending against Gary Lee Lambert is Vacated.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Lynn Hughes  
United States District Judge

Gary Lee Lambert  
Reg. No. 16405-179  
FCI Beaumont Low  
P. O. Box 26020  
Beaumont, TX 77720

July 8, 2013

Clerk  
United States District Court Judge Lynn Hughes  
515 Rusk Street  
Houston, TX 77002

Re: United States of America v. Gary Lee Lambert  
No. 4:13 CR 77; Motion To Dismiss Indictment

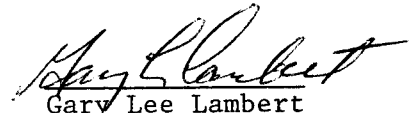
Dear Madam/Sir:

Pleas find enclosed herewith my pro se Motion To Dismiss Indictment which I request that you file in the normal course and set for disposition.

I have enclosed an original and two copies of the Motion To Dismiss; I request that you file stamp one copy and return to me in the self addressed and stamped envelope that I have enclosed for your convenience.

Thanking you in advance for your assistance in this matter.

Sincerely,

  
Gary Lee Lambert  
Reg. No. 16405-179  
P. O. Box 26020  
Beaumont, TX 77720

cc: AUSA S. Mark McIntyre  
1000 Louisiana, Suite 2300  
Houston, TX 77002